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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,887	10/28/2003	Richard Meyer	00121-000600000	7792
7590 05/13/2008 Law Office Of Leland Wiesner 1144 Fife Ave. Palo Alto, CA 94301				
EXAMINER				
NAWAZ, ASAD M				
ART UNIT		PAPER NUMBER		
2155				
MAIL DATE		DELIVERY MODE		
05/13/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,887

Applicant(s)

MEYER ET AL.

Examiner

ASAD M. NAWAZ

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment received 1/25/08. No claims were added, canceled, or amended. Accordingly, claims 1-28 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by
Blumenau et al (USPGPUB: 2002/0007445)

As to claim 1, Blumenau teaches a method for adding a storage controller node in a storage area network, comprising: receiving a storage controller node to add to a logical storage controller in the storage area network having a logical nodename and a sequence of logical ports (0007, 0121);

adopting the logical nodename from the logical storage controller in place of the predetermined nodename associated with the storage controller (0081);

and renumbering a set of ports associated with the storage controller to extend the sequence of logical ports associated with the logical storage controller (0081).

As to claim 2, Blumenau teaches the method of claim 1 further comprising: generating configuration information reflecting the additional storage controller added to the logical storage controller and the set of ports added to the corresponding sequence of logical ports; and distributing the configuration information to one or more storage controllers associated with the logical storage controller (0081).

As to claim 3, Blumenau teaches the method of claim 1 wherein the logical nodename associated with the logical storage controller is derived from a predetermined nodename associated with one storage controller (0081-0086).

As to claim 4, Blumenau teaches the method of claim 1 wherein the predetermined nodename from the first storage controller added to the logical storage controller is used for the logical nodename (0087-0088).

As to claim 5, Blumenau teaches the method of claim 1 wherein the logical nodename is a unique world wide node name (WWN) (0081).

As to claim 6 Blumenau teaches the method of claim 1 wherein the sequence of logical ports is a contiguous numeric sequence of ports generated as sets of ports from each storage controller are added to the logical storage controller.

As to claim 7, Blumenau teaches the method of claim 1 wherein each storage controller in the logical storage controller communicates with each other over an external communication link (0016).

As to claim 8, Blumenau teaches the method of claim 1 wherein each storage controller added to the logical storage controller is designated a role selected from a set of roles including: a primary storage controller, a secondary storage controller and a alternate storage controller (0175).

As to claim 9, Blumenau teaches the method of claim 8 wherein the secondary storage controller performs tasks assigned to the primary storage controller when the primary storage controller experiences a failure (0133-0136).

As to claim 10, Blumenau teaches the method of claim 2 wherein the configuration information generated includes metadata describing the geometry of one or more volumes of data managed by the logical storage controller (0140).

As to claim 11, Blumenau teaches the method of claim 10 wherein the metadata information is selected from a set including: number of physical devices, physical device identifiers, ranges of blocks on the physical devices and total number of blocks (0077).

As to claim 12, Blumenau teaches the method of claim 2 wherein distributing the configuration information is performed using an application programming interface compatible with one or more databases (0108).

Claims 13-28 present no further limitations above claims 1-12 above and are thus rejected under similar rationale.

Response to Arguments

4. Applicant's arguments filed have been fully considered but they are not persuasive. In substance, the applicant argues that a).Blumenau does not limit or restrict access to any ports b) Blumenau deals with controlling access to storage using FC protocol but does not deal with networking or topographical components and c) Blumenau does not teach reassignment of node names in accordance with the instant application.

5. At the onset, it should be noted that the remarks were unclear as to which disclosure was being cited (the applicant's own specification or the Blumenau reference). Therefore, the examiner had to interpret portions of the remarks section. Applicant's should also realize when reviewing the response to arguments that the claims determine the breadth of the invention and only those limitations positively claimed may be given patentable weight.

In response to a), the claims, as currently written state "renumbering a set of ports...to extend the sequence of logical ports...". Therefore, the claims as currently presented require an extension of ports not "limit or restrict" of ports. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F .2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

In response to b), again applicant's are reminded that the scope of the invention is determined by the claims in view of the specification not the specification itself. The

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claims do not positively claim anything that relates to networking or topographical components that Blumenau does not disclose (even if the specification does). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to c), Blumenau teaches that the S_ID and the WWN can change over time and can be updated. However, the WWN need not be the WWN of the physical device, instead another can be adopted by physically inputting it into the system (see 0081-0083, 0103). Therefore, Blumenau still meets the scope of the limitations as **currently** claimed.

When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In *re Preda*, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and *In re Shepard*, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In *re Sovish*, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In *re Jacoby*, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In *re Bozek*, 416 F.2d

1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMN

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2155